



DEPARTMENT OF THE NAVY
UNITED STATES NAVAL ACADEMY
121 BLAKE ROAD
ANNAPOLIS MARYLAND 21402-1300

August 7, 2019

VIA E-mail and Federal Express

Dr. Bruce Fleming



Re: *Bruce Fleming v. Department of the Navy*,
Docket Number: PH-0752-18-0457-I-1

Dear Dr. Fleming:

On July 24, 2019, Administrative Judge Mark Syska, in the Northeastern Regional Office of the Merit Systems Protection Board, issued an Initial Decision in the above-referenced case, reversing the Department of the Navy's (the Agency's) action to remove you. The Agency intends to file a Petition for Review (Petition) of the Initial Decision with the Merit Systems Protection Board. In light of such intention, the Agency is required to comply with the Interim Relief provisions set forth in the Initial Decision. That relief, in accordance with the statutory authority set forth in 5 U.S.C. §7701(b)(2)(A)(ii) and (B), is outlined below.

Specifically, effective July 24, 2019, you have been reinstated as an employee of the Department of the Navy, with all pay and benefits to which you are entitled. Entitlement to such pay and benefits will continue throughout the interim relief period.

In addition, you are directed to report to the United States Naval Academy, specifically to the Chair of the English Department at 0800 on August 12, 2019, for administrative processing and to receive your duty assignments, such as scholarly research and writing and service to the school. During the pendency of the Agency's Petition, such duties will not include teaching or advising midshipmen because the Agency has determined, pursuant to 5 U.S.C. §7701(b)(2)(A)(ii) and (B), that your presence in the classroom and engaging with midshipmen in any advisory role would be an undue disruption to the

academic environment. To act otherwise, would be to ignore the seriousness of the charged misconduct, as described in detail in the August 15, 2018 Notice of Decision on Proposed Removal, and to disregard the command's responsibility to provide a positive and supportive classroom and advisory environment, which respects the dignity of the individual, promotes the education and professional development of future Navy and Marine Corps leaders, and ensures the well-being of the midshipmen.

Sincerely,



ANDREW T. PHILLIPS

Academic Dean and Provost

Cc: Jason H. Ehrenberg, Esq. (via email)